of our most effective tools in our battle against crime. Existing law requires law enforcement officials seeking a court order for a wiretap to specify the telephone to be intercepted. Unfortunately, the modern day criminal too often is aware of this limitation and uses different phones in different locations to carry out his illicit activity. By simply walking down the street to a local pay telephone, an individual suspected of criminal activity can thwart the reasonable investigative efforts of the law enforcement community.

To solve this growing problem, the multipoint wiretap provision of the Intelligence Authorization Act allows law enforcement officials to obtain court authorization to tap the phones that a person under suspicion actually uses. Thus, if a suspected drug trafficker uses a stolen cellular telephone rather than the phone in his/her residence, the law enforcement community would still be able to gather evidence of wrong-doing. To ensure that these new court-ordered authorizations do not infringe upon the privacy rights of law-abiding Americans, the Conference Report includes a provision that prohibits the activation of a tap unless it is reasonable to presume that the person under suspicion is about to use or is using a given telephone. This is a dramatic step forward for privacy rights because, under current law, once a tap is authorized it is active for the duration of the court order. Innocent Americans could have their conversations monitored if they use a phone also used by a criminal suspect. Under this new provision, the tap would only be operational when a suspect is involved in a conversation.

Mr. Speaker, in closing, I would like to commend the leadership of Chairman PORTER GOSS and ranking member NORM DICKS for their efforts on this provision. I would also like to commend Congressman BILL MCCOLLUM for his tireless efforts on this issue as well. I believe that a balance has been reached that gives the law enforcement community more effective tools to protect American citizens while also further protecting the privacy rights of our constituents. I urge the adoption of the Conference Report.

AVIATION CONSUMER RIGHT TO KNOW ACT

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. DEFAZIO. Mr. Speaker, I rise today to introduce the ''Aviation Consumer Right To Know Act,'' legislation to give consumers access to important airline industry information.

Twenty years after the deregulation of the airline industry a debate is raging about its benefits to consumers. Deregulation proponents tout the benefits of free market competition. However, to truly enjoy any of these benefits, consumers must have access to accurate information so they can make fully informed choices.

Although there is much debate about the impact of deregulation, it is quite clear that it is almost impossible for consumers to gain full access to information about the airline industry. The dizzying array of airline prices change constantly and inexplicably. The full selection of fares remains a mystery to consumers. Even travel agents do not have access to all available fares.

Many passengers are further bewildered when they book travel on one airline only to find upon boarding that they are actually flying on a totally different airline. Domestic codesharing agreements, primarily between larger airlines and small regional airlines, allow one airline to book tickets on another without disclosing this information to consumers.

To make booking travel easier, many consumers turn to travel agents for help. However, what most consumers do not know is that travel agents often get special incentives to book the majority of air travel sold through their agency on a particular airline. Travel agents are not currently required to disclose this information to customers. Travel agents provide an important service to the flying public by deciphering the baffling airline fare structure but consumers should also be aware that this information is not always unbiased.

Another area of frustration to consumers is the lack of accurate, consistent and realistic information about frequent flyer programs. Despite the popularity of frequent flyer programs, consumers find that when they actually choose to redeem awards, the destinations and times they want are not available. Many travelers choose an airline because of its frequent flyer program and it is important to fully disclose this type of information.

My bill would give consumers the information they need to make informed choices about what airlines to patronize. The Aviation Consumer Right To Know Act will, (1) require airlines and travel agents to disclose the actual air service carrier if it differs from the carrier issuing the ticket, (2) require travel agents to disclose any special incentives they get for booking travel on a particular airline, (3) require airlines to disclose all available fares, (4) require airlines to keep records on the likelihood of redeeming frequent flyer benefits for specific city-pairs.

I urge my colleagues to join me in sponsoring this legislation.

FEDERAL ACTIVITIES INVENTORY REFORM ACT OF 1998

SPEECH OF

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 5, 1998

Mr. SESSIONS. Mr. Speaker, I am pleased that the House is poised to pass S. 314, the Federal Activities Inventory Reform (FAIR) Act. This legislation is a consensus compromise bill. It is an important step in the process of ensuring that the component agencies of the Federal Government deliver performance to the taxpayers they serve. This legislation, combined with the Government Performance and Results Act, the Chief Financial Officer Act and other procurement and financial management reforms, will result in an improved Federal Government.

In the 1920s, Congress raised concern over the large numbers of additional Federal functions initiated during the First World War and never discontinued. These concerns resulted in hearings. Later, in the 1950s, the House of Representatives passed legislation to terminate commercial activities of the Federal Government. In response to this legislation the Bureau of the Budget, and later, the Office of Management and Budget, issued guidance for executive branch agencies on the issue of agencies performing commercial activities. This guidance is currently represented by OMB Circular A–76.

This policy has been erratically followed since its promulgation. Agencies routinely ignore the stated policy of the President. Among the greatest problems which we face with the ineffective Administrative policy regarding the performance of agency commercial activities are the following:

(1) Agencies do not develop accurate inventories of such activities,

(2) They do not conduct the reviews outlined in the Circular,

(3) When reviews are conducted they drag out over extended periods of time,

(4) Agencies initiate commercial activities without reference to the policy, and

(5) The criteria for the reviews are not fair and equitable.

For example, certain practices are tolerated which bias cost-comparison competitions in favor of the Federal Government. A description of the cost-comparison competition process illustrates this costly unfairness. First, when an action is to be taken, the agency develops a ''most efficient organization,'' designed to represent the best form to accomplish the purpose of the commercial activity. This MEO allows for agency commercial activities to reorganize prior to the competition. Agencies promise to shed staff and reorganize for efficiency. Sometimes, agencies do not make the changes promised under the MEO. And in no case are the post-competition promises of agency commercial activities verified or audited.

Once the MEO is established, two competitions are held. In the first competition, a commercial source is selected using performance-based criteria. The offeror representing the best value source is chosen. The winning offeror is often not the low-price offeror, since a higher-quality source can offer better value for the money. Then the best value commercial source is compared to the agency commercial activity on the basis of cost, regardless of performance or quality. The commercial source must then beat cost of the agency commercial activity, and do so by at least 10 percent.

In enacting S. 314, the Federal Activities Inventory Reform, it is the intent of Congress that the Director of the Office of Management and Budget take prompt action, through the budget process and regulations promulgated pursuant to this legislation, to ensure that:

1. Agency commercial activities establish and use cost accounting systems, as required under the Federal Accounting Standards Board (FASAB) and applicable law.

2. Agency commercial activities are not given an advantage in terms of avoiding any evaluation on performance.

3. Agency commercial activities are not given any preference merely because they are government agencies or the incumbent provider of goods or services. Agency commercial activities ought to be treated identically in this regard to commercial sources.

4. Agency commercial activities are evaluated after any award, and penalties for default are established. Such penalties should include re-competition or termination of the activity.

5. Agency commercial activities be evaluated upon their performance during the cost-